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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER	
CHOWDHURY, SUMAIYA A	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/081,947	FALVO ET AL.	
	Examiner	Art Unit	
	Sumaiya A. Chowdhury	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-10,12-20 and 22-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-10,12-20 and 22-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/18/06 have been fully considered but they are not persuasive.

(a) Applicant argues in regard to the Fries reference "...inserts a new page image in place of the old with each new cycle of the carousel 50. Clearly Fries teaches away from 'the metadata processing application of the auxiliary device changing the displayed predefined image on a periodic basis' as recited by Applicants claims" on page 11, 1st paragraph, of the Remarks filed 10/18/06.

The claim recites "the metadata processing application of the auxiliary display device changing the displayed predefined image on a periodic basis". Fries teaches "the server 46 inserts a new page image in the place of the old with each new cycle of the carousel 50. On the client side, the displayed slideshow page autolinks to itself to reacquire page meta-data. The slideshow feature enables the injection of a series of still images with appropriate meta-data...Note that a slideshow can present an image for any multiple of the carousel revolution time, e.g. eight seconds, by replicating images in a series as desired." – col. 12 , lines 24-41. Fries clearly teaches changing the predefined image on a periodic basis (eight seconds). Croy teaches the metadata processing application of the auxiliary display device as discussed in claim 1.

(b) Applicant argues in regard to the Thompson reference "At the time of filing the present application, General Instrument and Aerocast were owned by Motorola...the present application and the Thompson reference are both commonly owned by Motorola" on page 12, 3rd paragraph of Remarks filed 10/18/06.

Applicant fails to show that at the time of filing, Aerocast was entirely or wholly owned by Motorola. In order to disqualify a 103 reference, the reference must be entirely or wholly owned by the same person(s) or organization(s). See MPEP 706.02(l).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2-3, 6, 8-10, 12-13, 16, 18-20, 22-23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy (6509908) in view of Alexander (6177931), Goldstein (5410326), and Fries.

As for claim 2, Croy discloses a method of processing television content metadata in a communications system, the system including a set-top box (STB) and an

auxiliary display device, the auxiliary display device including (i) a memory which stores a predefined image, (ii) a display, (iii) a processor, and (iv) a metadata processing application, the method comprising:

(a) the STB (100 – Fig. 1) extracting television content metadata (data encoded in the VBI) from a transport stream received by the STB, the extracted metadata defining at least one of text and images. – (col. 3, lines 30-45; Metadata defines EPG which includes text – Fig. 29, col. 6, lines 48-60)

(b) transmitting the extracted metadata from the STB to the auxiliary display device (200 – Fig. 2 & 3A; col. 3, lines 40-46, col. 4, lines 7-12, col. 5, lines 7-11)

(c) processing the extracted metadata in the auxiliary display device using the metadata processing application running on the processor of the auxiliary display device. – (User is capable of navigating through EPG displayed. Hence, the metadata is processed by microcontroller (220 – Fig. 2) – col. 6, lines 55-65).

Croy teaches that the EPG (text; Fig. 29) extracted from the metadata is displayed (col. 6, lines 47-58) on the auxiliary display device but fails to teach:

adjacently displaying on the display of the auxiliary display device (i) the predefined image stored in the memory of the auxiliary display device, and (ii) the at least one of text and images defined by the extracted metadata, and

wherein the memory of the auxiliary display device stores a plurality of predefine images, the method further comprising:

The metadata processing application of the auxiliary display device changing the displayed predefined image on a periodic basis.

In an analogous art, Alexander teaches that the advertisements (predefined image; 14 & 16 – Fig. 1) are stored in memory at the client side and displayed adjacently with an EPG – Fig. 1; col. 8, lines 18-24, col. 3, lines 1-20

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy's invention to include that the advertisements are stored in memory at the client side and displayed adjacently with an EPG, as taught by Alexander, for the advantage of effectively displaying data on the display screen.

However, Croy and Alexander fail to disclose:

that the predefined image and metadata displayed simultaneously is displayed on a portable device.

wherein the memory of the auxiliary display device stores a plurality of predefine images, the method further comprising:

The metadata processing application of the auxiliary display device changing the displayed predefined image on a periodic basis.

In an analogous art, Goldstein discloses that advertisements (Fig. 6) and graphics are displayed on a remote control device – col. 11, lines 15-20.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy and Alexander's invention to include that the predefined image and metadata displayed simultaneously is displayed on a portable device, as taught by Goldstein, for the advantage of displaying the data on a portable device.

However, Croy, Alexander, and Goldstein fail to teach:

Wherein the memory of the auxiliary display device stores a plurality of predefine images, the method further comprising:

The metadata processing application of the auxiliary display device changing the displayed predefined image on a periodic basis.

In an analogous art, Fries discloses that images are updated after a predetermined amount of time for the advantage of presenting a dynamic presentation. – col. 12, lines 24-40

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy, Alexander, and Goldstein's invention to include images are updated every after a predetermined amount of time, as taught by Fries, for the advantage of presenting a dynamic presentation as opposed to a static presentation to the user.

As for claims 6, 16, and 26, Croy, Alexander, Goldstein, and Fries meet the claimed limitations. In particular, Alexander discloses wherein the predefined image is an advertisement (14 & 16 – Fig. 1; col. 8, lines 18-24).

As for claims 8 and 18, Croy, Alexander, Goldstein, and Fries meet the claimed limitations. In particular, Croy discloses wherein the transport stream includes a plurality of vertical blanking interval (VBI) lines, and the metadata is extracted from at least one of the VBI lines – col. 3, lines 30-45.

As for claim 10, Croy, Alexander, Goldstein, and Fries disclose the claimed limitations. In particular, Croy discloses wherein:

step (a) further comprises storing the extracted metadata - (Stored in (222 – Fig. 2) – col. 5, lines 8-14)

step (b) is implemented in response to playing back the stored metadata – (Extracted data is decoded and descrambled (played back) and then sent to remote device – col. 3, lines 40-45).

As for claim 20, Croy, Alexander, and Goldstein disclose the claimed limitations. In particular, Croy discloses wherein the communications system is a cable television system – (110 – Fig. 1, col. 3, lines 29-32).

Claims 12 and 22 contain the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Claim 12 additionally calls for the following which Croy discloses:

(ii) a processor (220 – Fig. 2) – col. 6, lines 55-65

(iii) a metadata processing application running on the processor, and which processes the extracted metadata – (Since the EPG is displayed, the extracted metadata transmitted to the processor is processed - col. 6, lines 55-65).

Alexander discloses:

(iv) a display (10 – Fig. 1) which displays the predefined image adjacent to the at least one of text and images defined by the extracted metadata – col. 8, lines 18-24.

As for claims 3, 13, and 23, Croy, Alexander, Goldstein, and Fries disclose the claimed limitations. In particular, Fries discloses wherein the extracted metadata includes a uniform resource identifier (URI), the method further comprising:

(f) the metadata processing application of the auxiliary display device changing the displayed predefined image each time the auxiliary display device receives a URI from the STB (Fries discloses that automatic hyperlinks allow the automatic display of the page it refers to in order to automate the display of websites – col. 11, lines 51-55)

As for claims 9, and 19, Croy, Alexander, Goldstein, and Fries discloses the claimed limitations. In particular, Fries discloses wherein the transport stream is a Moving Picture Experts Group (MPEG) transport stream (In an analogous art, Fries teaches that the transport stream is MPEG – col. 3, lines 11-20).

3. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy, Alexander, Goldstein, and Fries as applied to claims 1 and 12, respectively above, and further in view of Moore (US 2001/0047298).

As for claims 7 and 17, Croy, Alexander, Goldstein, and Fries, fail to disclose wherein the extracted metadata is advanced television enhancement forum (ATVEF) data.

In an analogous art, Moore discloses wherein the metadata is ATVEF data – [0021].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy, Alexander, Goldstein, and Fries' invention to include wherein the metadata is ATVEF data, as taught by Moore, for the advantage of allowing interactive data.

4. Claim 4, 14, and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy, Alexander, and Goldstein, in view of Thompson.

Claims 4, 14, and 24 contain the limitations of claim 2, 12, 22, respectively, and are analyzed as previously discussed with respect to those claim. Claims 4, 14, and 24 additionally call for the following:

wherein the extracted metadata further includes a uniform resource identifier (URI) that specifies a particular area on the display of the auxiliary display device for a broadcast television channel video image to be presented, the method further comprising:

replacing the first URI with a second URI stored in the memory of the client system, the first URI specifying a particular area on the display of the auxiliary display device for a broadcast television channel video image to be presented.

In an analogous art, Thompson teaches replacing URIs with other URIs for the advantage of changing a display to the user – [0019], [0029], [0002].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy, Alexander, and Goldstein's invention to include replacing URIs with other URIs, as taught by Thompson, for the advantage of changing the location of images on a display to the user.

5. Claims 5, 15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy, Alexander, and Goldstein in view of Ito (2001/0029540).

Claims 5, 15, and 25 contain the limitations of claim 2, 12, 22, respectively, and are analyzed as previously discussed with respect to those claim. Claims 5, 15, and 25 additionally call for the following which Croy, Alexander, and Goldstein fail to disclose

wherein the extracted metadata specifies a format for displaying at least one of images and text on the display of the auxiliary display device, the method further comprising:

(e) changing the format specified by the extracted metadata.

In an analogous art, Ito discloses changing the format specified by the extracted metadata for the advantage of displaying data in a desirable format – [0095].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy, Alexander, and Goldstein's invention to include changing the format specified by the extracted metadata, as taught by Ito, for the advantage of displaying data in a desirable format.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC

SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER